

JC01 Rec'd PCT/PT 05 JUL 2005

05-01-01 02:23pm From:Steubing, McGuiness & Manaras LLP

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T-001 P.001/010 F-025

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JUL 01 2005

Serial No. 10/521,203
Attorney Docket No: 122-013 108895257US

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

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7/1/2005
date

Lindsay G. McGuiness
Signature

Lindsay G. McGuiness, Reg. No. 38,549
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal Sheet x 2	2 pages
Fee Sheet x 2	2 pages
Response to Notice to File Requirements	1 page
Copy of Notice to File Requirements	2 pages
Declaration	2 pages
Total including this sheet	<u>10 pages</u>

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TRANSMITTAL
FORM

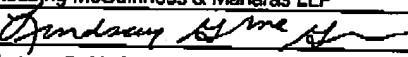
(to be used for all correspondence after initial filing)

		Application Number	10/521,203
		Filing Date	7/11/2003
		First Named Inventor	Patchell
		International Application	PCT CA03/01042
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	122-013 108895257US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration - 2 pages Reply to Notification of Missing Requirements
Remarks Please charge any deficiency or credit any overpayment to Deposit Account No. 502569		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Steubing McGuinness & Manaras LLP		
Signature			
Printed name	Lindsay G. McGuinness		
Date	7/1/2003	Reg. No.	38,549

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Christine M. Morissette	Date	7-1-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Approved for use through 07/31/2006. OMB 0851-0032
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/8/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

Complete if Known	
Application Number	10/521,203
Filing Date	7/11/2003
First Named Inventor	Patchell
Examiner Name	
International Application	PCT/CA03/01042
Attorney Docket No.	122-013 108895257US

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number 502569 Deposit Account Name: Steubing McGuiness & Manaras LLP
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
 Charge fee(s) indicated below Charges fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	65.00 DA	200	100	300	150	160	80
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Total Claims	Extra Claims		Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		Fee (\$)	Fee (\$)
	Fee (\$)	Fee (\$)			Fee (\$)	Fee (\$)		
0	- 20 or HP =	0	x \$25.00	= \$ 0.00				
HP = highest number of total claims paid for, if greater than 20								

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0	- 3 or HP =	0 x \$100.00	= \$ 0.00

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

0	- 100 =	0 / 50 =	0 (round up to a whole number) x \$125.00 =	\$ 0.00
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Response to Notification of Missing Requirements

65.00

SUBMITTED BY

Signature	Lindsay McGuiness	Registration No. (Attorney/Agent)	38,549	Telephone	978-264-6664
Name (Print/Type)	Lindsay McGuiness			Date	7/1/2003

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEEDBACK TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Patchell

Application No.: 10/521,203

Filed: 7/11/2003

Title: Human Detection Device
Attorney Docket No.: 122-013
108895257USInternational Application No.
PCT/CA03/01042**RECEIVED
CENTRAL FAX CENTER****JUL 01 2005****RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to a Notice to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Executed Declaration and Power of Attorney. The above-identified application is the same application which the inventor executed by signing the enclosed declaration.

() Statutory basic filing fee () Utility () Design
() Additional claim fees of \$
(X) Surcharge \$65.00

Respectfully submitted,

By Lindsay G. McGuiness
Lindsay G. McGuiness
Reg. No. 38,549Date of Deposit: 7-1-2005Date: 7/1/2005

Typed Name: Christine M. Morissette

Telephone No.: 978-264-6664

Signature: Christine M. Morissette

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UNITED STATES PATENT AND TRADEMARK OFFICE

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 Alexandria, Virginia 22312-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,203	John Patchell	122-013 108895257US
INTERNATIONAL APPLICATION NO.		
PCT/CA03/01042		
I.A. FILING DATE		PRIORITY DATE
07/11/2003		07/12/2002
CONFIRMATION NO. 2767		
371 FORMALITIES LETTER		
 OC080000015925564		

Date Mailed: 05/05/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Copy of references cited in ISR filed on 01/12/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

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DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,203	PCT/CA03/01042	122-013 108895257US

FORM PCT/DO/EO/905 (371 Formalities Notice)